APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,672	10/19/2000	Gregory L. Slaughter	5181-72200	7201

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Robert C Kowert
Conley Rose & Tayon P C
P O Box 398
Austin, TX 78767-0398

EXAMINER
PATEL, HARESH N

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/693,672	SLAUGHTER ET AL.
	Examiner	**Art Unit**	
	Haresh Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 July 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24,51-73,100-117 and 136-139_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24, 51-73, 100-117, 136-139_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-24, 51-73, 100-117, 136-139, are presented for examination. Claims 25-50, 74-

99, 118-135, have been cancelled.

Response to Arguments

2.   Applicant's arguments filed 7/6/2004 have been fully considered but they are not

persuasive. Therefore, rejection of claims 1-139 is maintained.

Applicant argues (1) "the office action rejected claims 1-5, 19-21, 23, 24, 52-55, 68-70,

72, 73, 100- 103, 113, 114, 116 and 1 17 under 35 U.S.C. 102(b) as being anticipated by Tuatini

(U.S. Publication 2002/0032783)". The examiner respectfully disagrees in response to

applicant's arguments. The office action, paper number rejected, claims 1-5, 19-21, 23, 24, 52-

55, 68-70, 72, 73, 100- 103, 113, 114, 116 and 1 17 under 35 U.S.C. 102(e). Since, Tuatini has

provisional applications i.e., 60/173,666 and 60/173,712, filed on December 30, 1999 (see

attached provided references cited in form PTO-892), earlier than the effective date of this

application, Tuatini is a valid art for rejection. Therefore the rejection in maintained as disclosed

above.

Applicant argues (2) "This rejection is improper because the Examiner has not shown

that Tuatini qualifies as a prior art reference", "Since it is common practice for a later filed utility

application to include more or different subject matter than its earlier provisional applications, it

is unclear whether the material in Tuatini relied upon by the Examiner was actually present in

Tuatini 's provisional applications". The examiner respectfully disagrees in response to

applicant's arguments. The provisional applications, i.e., 60/173,666 and 60/173,712 (see

attached provided references cited in form PTO-892), not only shows that the subject matter on

which the is relied upon to reject the claims is present in the Tuatini's provisional applications,

but also at least one claim of the published utility application is supported in the provisional

application (see attached provided references cited in form PTO-892). The provisional

application 60/173,712 is 525 pages and since this application is available under IFW, examiner

has provided only 50 pages. Hence, examiner believes that the rejection is proper, as Tuatini is

indeed qualified as a prior art reference. Therefore the rejection in maintained as disclosed

above.

Applicant argues (2) "Murphy patent 6,604,127, is not a valid prior art for the used

limitation of JavaSpace, rejected in office action paper number 8, and the limitation JavaSpace

rejected by the Murphy is not taught by the references Tuatini and Beck, 6,604,140. The

examiner respectfully disagrees in response to applicant's arguments. Applicant has clearly

clarified what the claim limitation "space" is. Line 6, page 26, of the applicant's remark, dated

7/6/2004, clearly states that "a space" as claimed by Applicants' is not necessarily the same as a

JavaSpace". Examiner acknowledges the applicant's clarification of the "space" limitation.

Tuatini, clearly discloses use of space, i.e., storage, and since, Tuatini does not specifically

mention about JavaSpace, which is not also specifically claimed in the claims, Murphy patent

bares no significance of clarifying that the JavaSpace has been known in the prior art. Hence,

examiner believes that the rejection is proper. Therefore the rejection in maintained as disclosed

above.

Applicant argues (3) "one of ordinary skill in the art would not be motivated to modify

the teachings of Tuatini with the Applicant's admitted prior art (Hereinafter AAPA)".

The examiner respectfully disagrees in response to applicant's arguments. Tuatini clearly states

"Those skilled in the art will also appreciate that in some embodiments the functionality

provided by the various routines discussed above may be provided in alternate ways, such as

being split among more routines or consolidated into less routines. Similarly, in some

embodiments illustrated routines may provide more or less functionality than is described, such

as when other illustrated routines instead lack or include such functionality respectively, or when

the amount of functionality that is provided is altered. Those skilled in the art will also

appreciate that the data structures discussed above may be structured in different manners, such

as by having a single data structure split into multiple data structures or by having multiple data

structures consolidated into a single data structure. Similarly, in some embodiments illustrated

data structures may store more or less information than is described, such as when other

illustrated data structures instead lack or include such information respectively, or when the

amount or types of information that is stored is altered. From the foregoing it will be appreciated

that, although specific embodiments have been described herein for purposes of illustration,

various modifications may be made without deviating from the spirit and scope of the invention.

Accordingly, the invention is not limited except as by the appended claims. In addition, while

certain aspects of the invention are presented below in certain claim forms, the inventors

contemplate the various aspects of the invention in any available claim form. For example,

while only one some aspects of the invention may currently be recited as being embodied in a

computer-readable medium, other aspects may likewise be so embodied. Accordingly, the

inventors reserve the right to add additional claims after filing the application to pursue such

additional claim forms for other aspects of the invention", e.g., paragraphs 177 and 178, col.,

28). Line 6, page 26, of the applicant's remark, dated 7/6/2004, clearly states that terms

JavaSpace, Jini, CORBA, XML, etc has not been specifically claimed in the present claims.

Also, page 204, lines 6-18 of the specification clearly states, "Various embodiments may further

include receiving, sending or storing instructions and/or data implemented in accordance with

the foregoing description upon a carrier medium. Generally speaking, a carrier medium may

include storage media or memory media such as magnetic or optical media, e.g., disk or CD-

ROM, volatile or non- volatile media such as RAM (e.g. SDRAM, RDRAM, SRAM, etc.),

ROM, etc. as well as transmission media or signals such as electrical, electromagnetic, or digital

signals, conveyed via a communication medium such as network and/or a wireless link. Various

modifications and changes may be made as would be obvious to a person skilled in the art

having the benefit of this disclosure. It is intended that the invention embraces all such

modifications and changes and, accordingly, the specifications, appendices and drawings are to

be regarded in an illustrative rather than a restrictive sense". Since, applicant's claims contain

broadly claimed subject matter it clearly reads upon the examiner's interpretation of these

actions. The test for obviousness is not whether the features of a secondary reference may be

bodily incorporated into the structure of a primary reference. It is also not that the claimed

invention must be expressly suggested in any one or all of the references. Rather, the test is what

the combined teachings of the references would have suggested to those of ordinally skill in the

art. In re Keller, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); In re Young, 927 F.2d

588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). The motivation to comine the references is to

utilize Jini services of the Jini enriornment so that a client will be able to acess advertisement

related information from the remote servers of the Jini network through the proxy services.

Therefore the rejection in maintained as disclosed above.

Priority

3.   Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

The claimed limitations, for example, use of message passing model, second device using

message passing model different than the first environment, proxy service generating a results

advertisement, publishing the advertisement, generation of results method gate from the results

advertisement, results advertisement sent to the client method gate, etc., are not disclosed in the

provisional applications; hence, applicant does not benefit the effective date as the provisional

priority dates.

Information Disclosure Statement

4.   The IDS submitted on 7/6/2004 (earlier IDS, paper no. 4, dated 8/16/2001, form PTO-

1449) was not submitted with the listed cited references. Since, the listed references are not

available in the application of record, applicant is requested to submit all the cited references for

consideration to speed up the prosecution of this case.

5.   Examiner acknowledges that earlier requested (office action, paper number 8) cited

publication "XML and Jini – On Using XML and the 'Java Border Service Architecture' to

integrate mobile devices into the Java Intelligent Network Infrastructure", Stefan Muller –

Wilken, Daniel Hinz, Winfried Lamersdorf, has been received on 7/6/2004.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Previously presented claims 1-5, 19-21, 23, 24, 51-55, 68-70, 72, 73, 100-103, 113, 114,

116, 117, and newly presented claims 136 – 139 are rejected under 35 U.S.C. 102(e) as being

anticipated by Tuatini, "Shared service functionality invocation", U.S. Publication no.

2002/0032783, March 14, 2002.

8.   As per claims 1, 51 and 100, Tuatini teaches the following:

a method for bridging a first computing environment based upon a message passing

model to a second computing environment (e.g., heterogeneous distributed environment, figure

1), comprising,

a distributed computing system (e.g., heterogeneous distributed environment, figure 1),

comprising,

a carrier medium comprising program instructions, wherein the program instructions are

computer-executable to implement:

a first entity (e.g., client, figure 41, col., 14, paragraph 122 – col., 20, paragraph 160) in

the first computing environment accessing a proxy service (e.g., Messaging component, figure

41, col., 14, paragraph 122 – col., 20, paragraph 160) through messages in a data representation

language (e.g., XML message, figure 41, col., 14, paragraph 122 – col., 20, paragraph 160);

the proxy service providing to the first entity an interface to a second entity in the second

computing environment (e.g., Messaging component providing client computer to communicate

with CORBA server or Web server, figure 41, col., 14, paragraph 122 – col., 20, paragraph 160);

and

the first entity accessing the second entity in the second computing environment through

the interface provided by the proxy service (e.g., Client computer communicating CORBA

server or Web server through Messaging component, figure 41, col., 14, paragraph 122 – col.,

20, paragraph 160)

a first device in a first computing environment, based upon a message passing model

(e.g., client using XML message, figure 41, col., 14, paragraph 122 – col., 20, paragraph 160),

a second device in a second computing environment not based upon the message passing

model of the first environment (e.g., CORBA server or Web server using other than XML

messages, figure 41, col., 14, paragraph 122 – col., 20, paragraph 160),

use of space (e.g., storage, col., 14, paragraph 122 – col., 20, paragraph 160).

9.   As per claims 2, 52, 101, Tuatini teaches the following:

the interface provides a data representation language messaging channel between the

proxy service and the first entity in the first computing environment (e.g., XML messaging

mechanism between client and the messaging component, figure 41, col., 14, paragraph 122 –

col., 20, paragraph 160), and wherein the interface further provides a communications channel

between the proxy service and the second entity in the second computing environment (e.g.,

Messaging component providing messaging mechanism between CORBA server or Web server

and the messaging component, figure 41, col., 14, paragraph 122 – col., 20, paragraph 160).

10.   As per claims 3, 53, Tuatini teaches the following:

        the first entity is a client in the first computing environment (e.g., client, figure 41, col.,

14, paragraph 122 – col., 20, paragraph 160), wherein the second entity is a service accessible

through the second computing environment (e.g., Messaging component providing client

computer to communicate with services of CORBA server or Web server, figure 41, col., 14,

paragraph 122 – col., 20, paragraph 160), and wherein the interface provided by the proxy

service enables the first entity to access resources provided by the second entity to clients in the

second environment (e.g., Messaging component providing client computer to communicate with

services of CORBA server or Web server, figure 41, col., 14, paragraph 122 – col., 20, paragraph

160).

11.   As per claims 4, 54, 102, Tuatini teaches the following:

        the proxy service providing to the first entity the interface to the second entity in the

second computing environment comprises locating the second entity among a plurality of

services accessible through the second computing environment (e.g., Messaging component

providing client computer to communicate with a particular service from several services of

CORBA server or Web server, figure 41, col., 14, paragraph 122 – col., 20, paragraph 160).

12.   As per claims 5, 55, 103, Tuatini teaches the following:

determining that the second entity includes information identifying the entity as a service

accessible by entities in the first environment through proxy service interfaces to the second

computing environment (e.g., Messaging component providing client computer to communicate

with a particular service from several services of CORBA server or Web server, figure 41, col.,

14, paragraph 122 – col., 20, paragraph 160).

13.   As per claims 19, 68, Tuatini teaches the following:

wherein the second environment is a message-based environment using a different

language for messages than the data representation language used for messages in the first

environment (e.g., CORBA server or Web server using message based languages other than

XML, figure 41, col., 14, paragraph 122 – col., 20, paragraph 160).

14.   As per claims 20, 69, 113, Tuatini teaches the following:

the second environment is a non-message based environment (e.g., CORBA server or

Web server using other than message based languages, figure 41, col., 14, paragraph 122 – col.,

20, paragraph 160).

15.   As per claims 21, 70, 114, Tuatini teaches the following:

communication among entities in the second environment uses remote method invocation

(RMI) (e.g., RMI, col., 15, paragraph, 134).

16.   As per claims 23, 72, 116, Tuatini teaches the following:

the second environment is an enterprise computing environment, wherein the second

entity is an enterprise service accessible through the enterprise computing environment (e.g., an

Enterprise Information System application such as on a legacy ERP system, col., 16, paragraph,

137).

17.   As per claims 24, 73, 117, Tuatini teaches the following:

wherein the data representation language is eXtensible Markup Language (XML) (e.g., a

client computer may provide requests using an HTTP protocol or in an HTML format, whereas

an action handler may be developed to process requests using the XML format or protocol, col.,

3, paragraph 60).

18.   As per newly added claim 136, Tuatini very clearly teaches a method for bridging a first

computing environment based upon a message passing model to a second computing

environment (e.g., figures 1 and 41), comprising:

a first entity in the first computing environment accessing a proxy service through

messages in a data representation language (e.g., paragraphs 122 – 124),

the proxy service providing to the first entity an interface to a second entity in the second

computing environment (e.g., paragraphs 122 – 124), wherein the interface is defined by a

schema defining messages for accessing the second entity (e.g., paragraphs 132-134); and

the first entity accessing the second entity in the second computing environment through

the interface provided by the proxy service (e.g., paragraphs 130 – 132).

19.   As per newly added claim 137, Tuatini very clearly teaches a method for bridging a first

computing environment based upon a message passing model to a second computing

environment (e.g., figures 1 and 41), comprising:

a first entity in the first computing environment accessing a bridge service through

messages in a data representation language (e.g., paragraphs 142 – 144),

the bridge service providing to the first entity an interface to a second entity in the second

computing environment (e.g., paragraphs 145 – 146), wherein the bridge service appears to the

first entity as the second entity (e.g., paragraphs 142 – 144), and

the first entity accessing the second entity in the second computing environment through

the interface provided by the bridge service (e.g., paragraphs 132-134).

20.   As per newly added claim 138, Tuatini very clearly teaches a method for bridging a first

computing environment based upon a message passing model to a second computing

environment (e.g., figures 1 and 41), comprising:

a first entity in the first computing environment accessing a proxy service through

messages in a data representation language (e.g., paragraphs 162 – 164),

the proxy service providing to the first entity an interface to a second entity in the second

computing environment (e.g., paragraphs 163 – 165), wherein said providing an interface

comprises sending to the first entity a schema defining one or more messages in the data

representation language for accessing the second entity (e.g., paragraphs 166 – 168), and

the first entity accessing the second entity in the second computing environment through

the interface provided by the proxy service (e.g., paragraphs 163 – 165).

21.   As per newly added claim 139, Tuatini very clearly teaches a method for bridging a first

computing environment based upon a message passing model to a second computing

environment (e.g., figures 1 and 41), comprising:

a first entity in the first computing environment accessing a proxy service through

messages in a data representation language (e.g., paragraphs 152 – 154),

the proxy service providing to the first entity an interface to a second entity in the second

computing environment (e.g., paragraphs 155 – 156), wherein the second entity is configured to

communicate through a communication model incompatible with the message passing model

(e.g., paragraphs 157 – 158); and

the first entity accessing the second entity in the second computing environment through

the interface provided by the proxy service (e.g., paragraphs 152 – 154).

Claim Rejections - 35 USC § 103

22.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

23.   Claims 6-18, 56-67, 104-112, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Tuatini in view of Beck et. al. 6,604,140 (Hereafter Beck).

24.   As per claims 6-12, 56-61, 104-109, Tuatini teaches the claimed limitations of claims 1

and 3 as mentioned above and including the following:

providing an advertisement for the second entity, wherein the advertisement for the

second entity includes access information for accessing the second entity in the second

environment from the first environment, java language, proxy services, client method gate,

generating of result data (e.g., In the illustrated embodiment, a single entity provides shared

services and clients within an intranet 3900. These intranet components may interact with each

other, and may also provide functionality (e.g., e-commerce functionality) to shared services and

clients outside the intranet, such as those of consumers or other businesses (e.g., customers and

suppliers in a business supply chain). The illustrated shared services thus include shared services

3910 located within the intranet and one or more external shared services 3915 located outside

the intranet (e.g., supplier shared services). Similarly, the clients can include clients 3925

outside the intranet (e.g., corporate customers) as well as clients 3920 within the intranet, col., 13

paragraph, 115).

Tuatini does not specifically mention about use of advertisement. However, the concept

of providing an commercial information for the second entity including the commercial access

information for accessing the second entity in the second environment from the first environment

has been clearly disclosed by Tuatini and it is also well known in the prior art, for example,

Beck, discloses the use of advertisement (e.g., Middleware enables a device to discover,

advertise and use services. This enables software clients on the same device to share a service

implementation (in the case of a local service) or to share an implementation proxy (in the case

of a remote service), figure 1, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Tuatini and Beck because Beck's use of advertisement

would facilitate a client to access the advertisement related information from the remote servers

through the proxy services. The client will be able to access details of the advertisements from

the remote computers of the other networks.

25.   As per claims 13-18, 62-67, 110-112, refer to the claims 6-12, 56-61, 104-109 for

rejection and combination of references.

26.   Claims 22, 71, 115, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tuatini view of applicant's admitted prior art (AAPA).

27.   As per claims 22, 71, 115, Tuatini do not specifically mention about Jini environment.

        AAPA teaches the following:

        the second environment is a Jini environment (e.g., Jini environment, pages 2-6).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Tuatini and AAPA because AAPA's use of Jini

environment would provide access to the Jini services. A client will be able to access the

advertisement related information from the remote servers of the Jini network through the proxy

services.

Conclusion

28.   In order to speedup the prosecution of this case, examiner believes that the independent

claims should contain use of "JavaSpace", "CORBA", "Java RMI", "XML", "Jini", and

"advertisement", as per the applicant's rational for the invention, i.e., pages 8-14 of the

specification.

29.   The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and

not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The

examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to

8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

December 23, 2004

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100